

CHAPTER 216A

DEPARTMENT OF HUMAN RIGHTS

This chapter not enacted as a part of this title;
transferred from chapter 601K in Code 1993

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SUBCHAPTER 1

ADMINISTRATION

216A.1 Department of human rights.

A department of human rights is created, with the following divisions:

1. Division of Latino affairs.
2. Division on the status of women.
3. Division of persons with disabilities.
4. Division of community action agencies.
5. Division of deaf services.
6. Division of criminal and juvenile justice planning.
7. Division on the status of African-Americans.
8. Division on the status of Iowans of Asian and Pacific Islander heritage.
9. Division on Native American affairs.

86 Acts, ch 1245, §1201

C87, §601K.1

87 Acts, ch 115, §70; 88 Acts, ch 1277, §27; 89 Acts, ch 83, §78; 90 Acts, ch 1180, §2; 91 Acts, ch 50, §2; 91 Acts, ch 109, §8

C93, §216A.1

2004 Acts, ch 1020, §2; 2008 Acts, ch 1184, §38

Referred to in [§7E.5](#)

See also [§7E.5\(1s\)](#), [7E.6](#)

Minority impact statements, see [§2.56](#), [8.11](#)

216A.2 Appointment of department director and administrators.

The governor shall appoint a director of the department of human rights, subject to confirmation by the senate. The department director shall serve at the pleasure of the governor. The department director shall:

1. Establish general operating policies for the department to provide general uniformity among the divisions while providing for necessary flexibility.

2. Receive budgets submitted by each commission and reconcile the budgets among the divisions. The department director shall submit a budget for the department, subject to the budget requirements pursuant to [chapter 8](#).

3. Coordinate and supervise personnel services and shared administrative support services to assure maximum support and assistance to the divisions.

4. Identify and, with the chief administrative officers of each division, facilitate the opportunities for consolidation and efficiencies within the department.

5. In cooperation with the commissions, make recommendations to the governor regarding the appointment of the administrator of each division.

6. Serve as an ex officio member of all commissions or councils within the department.

7. Serve as chairperson of the human rights administrative-coordinating council.

8. Evaluate each administrator, after receiving recommendations from the appropriate commissions or councils, and submit a written report of the completed evaluations to the governor and the appropriate commissions or councils, annually.

The governor shall appoint the administrators of each of the divisions subject to confirmation by the senate. Each administrator shall serve at the pleasure of the governor and is exempt from the merit system provisions of [chapter 8A, subchapter IV](#). The governor shall set the salary of the division administrators within the ranges set by the general assembly.

86 Acts, ch 1245, §1202

C87, §601K.2

88 Acts, ch 1158, §95; 90 Acts, ch 1180, §3

C93, §216A.2

95 Acts, ch 212, §9; 99 Acts, ch 201, §10, 11; 2003 Acts, ch 145, §205

Referred to in [§216A.15](#), [216A.56](#), [216A.77](#), [216A.114](#), [216A.134](#), [216A.158](#), [216A.167](#)

Confirmation, see [§2.32](#)

216A.3 Human rights administrative-coordinating council.

1. A human rights administrative-coordinating council composed of nine members is created within the department of human rights. The council is composed of the director, who shall act as the chairperson of the council, and the administrators within the department.

2. The council shall meet periodically to:

a. Identify areas where the divisions within the department might coordinate efforts or share administrative or other support functions to provide greater efficiencies in operation including, but not limited to, accounting, clerical, recordkeeping, and administrative support functions.

b. Develop cooperative arrangements and shared services among the divisions to achieve greater efficiencies, and may establish contracts and agreements between or among the divisions to provide for shared services.

c. Transfer funds within the divisions agreeing to shared services for the implementation of the contracts or agreements between divisions.

d. Make recommendations to the governor and general assembly regarding additional consolidation and coordination that would require legislative action.

e. Advise the department director regarding actions by and for the department.

f. Establish goals and objectives for the department.

86 Acts, ch 1245, §1203

C87, §601K.3

88 Acts, ch 1277, §28; 90 Acts, ch 1180, §4

C93, §216A.3

216A.4 Definitions.

For purposes of [this chapter](#), unless the context otherwise requires:

1. “Department” means the department of human rights.

2. “Department director” means the director of the department of human rights.

86 Acts, ch 1245, §1204

C87, §601K.4

90 Acts, ch 1180, §5
C93, §216A.4

216A.5 Repealed by 97 Acts, ch 52, § 1.

216A.6 Confidentiality of individual client advocacy records.

1. For purposes of [this section](#), unless the context otherwise requires:

a. “*Advocacy services*” means services in which a department staff member writes or speaks in support of a client or a client’s cause or refers a person to another service to help alleviate or solve a problem.

b. “*Individual client advocacy records*” means those files or records which pertain to problems divulged by a client to the department or any related papers or records which are released to the department about a client for the purpose of assisting the client.

2. Information pertaining to clients receiving advocacy services shall be held confidential, including but not limited to the following:

a. Names and addresses of clients receiving advocacy services.

b. Information about a client reported on the initial advocacy intake form and all documents, information, or other material relating to the advocacy issues or to the client which could identify the client, or divulge information about the client.

c. Information concerning the social or economic conditions or circumstances of particular clients who are receiving or have received advocacy services.

d. Department or division evaluations of information about a person seeking or receiving advocacy services.

e. Medical or psychiatric data, including diagnoses and past histories of disease or disability, concerning a person seeking or receiving advocacy services.

f. Legal data, including records which represent or constitute the work product of an attorney, which are related to a person seeking or receiving advocacy services.

3. Information described in [subsection 2](#) shall not be disclosed or used by any person or agency except for purposes of administration of advocacy services, and shall not be disclosed to or used by a person or agency outside the department except upon consent of the client as evidenced by a signed release.

4. [This section](#) does not restrict the disclosure or use of information regarding the cost, purpose, number of clients served or assisted, and results of an advocacy program administered by the department, and other general and statistical information, so long as the information does not identify particular clients or persons provided with advocacy services.

88 Acts, ch 1106, §1

C89, §601K.6

C93, §216A.6

216A.7 through 216A.10 Reserved.

SUBCHAPTER 2

DIVISION OF LATINO AFFAIRS

216A.11 Definitions.

For purposes of [this subchapter](#), unless the context otherwise requires:

1. “*Administrator*” means the administrator of the division of Latino affairs of the department of human rights.

2. “*Commission*” means the commission of Latino affairs.

3. “*Division*” means the division of Latino affairs of the department of human rights.

86 Acts, ch 1245, §1205

C87, §601K.11

90 Acts, ch 1180, §6

C93, §216A.11

216A.12 Commission of Latino affairs — terms — compensation.

The commission of Latino affairs consists of nine members, appointed by the governor. Commission members shall be appointed in compliance with [sections 69.16](#) and [69.16A](#) and with consideration given to geographic residence and density of Latino population represented by each member. The members of the commission shall be appointed during the month of June and shall serve for terms of two years commencing July 1 of each odd-numbered year. Members appointed shall continue to serve until their respective successors are appointed. Vacancies in the membership of the commission shall be filled by the original appointing authority and in the manner of the original appointments. Members shall receive actual expenses incurred while serving in their official capacity. Members may also be eligible to receive compensation as provided in [section 7E.6](#).

86 Acts, ch 1245, §1206

C87, §601K.12

87 Acts, ch 115, §71; 90 Acts, ch 1180, §7; 91 Acts, ch 50, §1

C93, §216A.12

216A.13 Organization.

The commission shall select from its membership a chairperson and other officers as it deems necessary and shall meet not less than six times a year. A majority of the members of the commission shall constitute a quorum.

86 Acts, ch 1245, §1207

C87, §601K.13

C93, §216A.13

216A.14 Commission employees.

The commission may employ personnel who shall be qualified to assume the responsibilities of their several offices. The administrator shall be the administrative officer of the commission and shall serve the commission by gathering and disseminating information, forwarding proposals and evaluations to the governor, the general assembly, and state agencies, carrying out public education programs, conducting hearings and conferences, and performing other duties necessary for the proper operation of the commission. The administrator shall carry out programs and policies as determined by the commission.

86 Acts, ch 1245, §1208

C87, §601K.14

90 Acts, ch 1180, §8

C93, §216A.14

216A.15 Duties.

The commission shall:

1. Coordinate, assist, and cooperate with the efforts of state departments and agencies to serve the needs of Latino persons in the fields of education, employment, health, housing, welfare, and recreation.
2. Develop, coordinate, and assist other public organizations which serve Latino persons.
3. Evaluate existing programs and proposed legislation affecting Latino persons, and propose new programs.
4. Stimulate public awareness of the problems of Latino persons by conducting a program of public education and encouraging the governor and the general assembly to develop programs to deal with these problems.
5. Conduct training programs for Latino persons to enable them to assume leadership positions on the community level.
6. Conduct a survey of the Latino people in Iowa in order to ascertain their needs.
7. Work to establish a Latino information center in the state of Iowa.
8. Pursuant to [section 216A.2](#), be responsible for budgetary and personnel decisions for the commission and division.
9. Adopt rules, with stakeholder input, pursuant to [chapter 17A](#), to develop a mechanism

to ensure the qualifications of Spanish language interpreters and maintain and provide a list of those deemed qualified to Iowa courts, administrative agencies, social service agencies, and health agencies, as requested.

86 Acts, ch 1245, §1209

C87, §601K.15

90 Acts, ch 1180, §9

C93, §216A.15

2004 Acts, ch 1062, §1

216A.16 Powers.

The commission shall have all powers necessary to carry out the functions and duties specified in [this subchapter](#), including, but not limited to the power to establish advisory committees on special studies, to solicit and accept gifts and grants, adopt rules according to [chapter 17A](#) for the commission and division, and to contract with public and private groups to conduct its business. All departments, divisions, agencies and offices of the state shall make available upon request of the commission information which is pertinent to the subject matter of the study and which is not by law confidential.

86 Acts, ch 1245, §1210

C87, §601K.16

C93, §216A.16

216A.17 Report.

The commission shall make a detailed report of its activities, studies, findings, conclusions and recommendations to the general assembly not later than February 15 of each odd-numbered year.

86 Acts, ch 1245, §1211

C87, §601K.17

C93, §216A.17

216A.18 through 216A.30 Reserved.

SUBCHAPTER 3

216A.31 through 216A.50 Reserved.

SUBCHAPTER 4

DIVISION ON THE STATUS OF WOMEN

216A.51 Definitions.

For purposes of [this subchapter](#), unless the context otherwise requires:

1. “*Administrator*” means the administrator of the division on the status of women of the department of human rights.

2. “*Commission*” means the commission on the status of women.

3. “*Division*” means the division on the status of women of the department of human rights.

86 Acts, ch 1245, §1221

C87, §601K.51

87 Acts, ch 115, §2

C93, §216A.51

216A.52 Commission created.

The commission on the status of women is created, composed of thirteen members as follows:

1. Four members of the general assembly serving as ex officio nonvoting members, one to be appointed by the speaker of the house from the membership of the house, one to be

appointed by the minority leader of the house from the membership of the house, one to be appointed by the president of the senate, after consultation with the majority leader of the senate, from the membership of the senate, and one to be appointed by the minority leader of the senate, after consultation with the president of the senate, from the membership of the senate.

2. Nine members to be appointed by the governor representing a cross section of the citizens of the state, subject to confirmation by the senate.

No more than a simple majority of the commission shall be of the same political party. The members of the commission shall elect one of its members to serve as chairperson of the commission.

86 Acts, ch 1245, §1222

C87, §601K.52

88 Acts, ch 1150, §2; 90 Acts, ch 1223, §30

C93, §216A.52

Confirmation, see §2.32

216A.53 Term of office.

Four of the members appointed to the initial commission shall be designated by the governor to serve two-year terms, and five shall be designated by the governor to serve four-year terms. The legislative members of the commission shall be appointed to terms of office as provided in [section 69.16B](#), unless sooner terminated by a commission member ceasing to be a member of the general assembly. Succeeding appointments of voting members shall be for a term of four years. Vacancies in the membership shall be filled for the unexpired term in the same manner as the original appointment.

86 Acts, ch 1245, §1223

C87, §601K.53

88 Acts, ch 1150, §3

C93, §216A.53

2008 Acts, ch 1156, §27, 58

216A.54 Meetings of the commission.

The commission shall meet at least six times each year, and shall hold special meetings on the call of the chairperson. The commission shall adopt rules pursuant to [chapter 17A](#) as it deems necessary for the commission and division. The members of the commission shall receive a per diem as specified in [section 7E.6](#) and be reimbursed for actual expenses while engaged in their official duties. Legislative members of the commission shall receive payment pursuant to [sections 2.10](#) and [2.12](#).

86 Acts, ch 1245, §1224

C87, §601K.54

88 Acts, ch 1150, §4; 90 Acts, ch 1256, §52

C93, §216A.54

216A.55 Objectives of commission.

The commission shall study the changing needs and problems of the women of this state, and develop and recommend new programs and constructive action to the governor and the general assembly, including but not limited to, the following areas:

1. Public and private employment policies and practices.
2. Iowa labor laws.
3. Legal treatment relating to political and civil rights.
4. The family and the employed woman.
5. Expanded programs to help women as wives, mothers, and workers.
6. Women as citizen volunteers.
7. Education.

86 Acts, ch 1245, §1225

C87, §601K.55

C93, §216A.55

Referred to in [§216A.58](#)

216A.56 Employees and responsibility.

The commission shall employ other necessary employees. Pursuant to [section 216A.2](#), the commission shall have responsibility for budgetary and personnel decisions for the commission and division. The administrator shall carry out programs and policies as determined by the commission.

86 Acts, ch 1245, §1226

C87, §601K.56

C93, §216A.56

216A.57 Duties.

The commission shall:

1. Serve as a clearinghouse on programs and agencies operating to assist women.
2. Conduct conferences.
3. Cooperate with governmental agencies to assist them in equalizing opportunities between men and women in employment and in expanding women's rights and opportunities.
4. Serve as the central permanent agency for the development of services for women.
5. Cooperate with public and private agencies in joint efforts to study and resolve problems relating to the status of women.
6. Publish and disseminate information relating to women and develop other educational programs.
7. Provide assistance to organized efforts by communities, organizations, associations, and other groups working toward the improvement of women's status.

86 Acts, ch 1245, §1227

C87, §601K.57

C93, §216A.57

Referred to in [§216A.58](#)

216A.58 Additional authority.

The commission may:

1. Do all things necessary, proper, and expedient in accomplishing the duties listed in [section 216A.57](#) and [this section](#).
2. Hold hearings.
3. Enter into contracts, within the limit of funds made available, with individuals, organizations, and institutions for services furthering the objectives of the commission as listed in [section 216A.55](#).
4. Seek advice and counsel of informed individuals, or any agricultural, industrial, professional, labor or trade association, or civic group in the accomplishment of the objectives of the commission.
5. Accept grants of money or property from the federal government or any other source, and may upon its own order use this money, property, or other resources to accomplish the objectives of the commission.

86 Acts, ch 1245, §1228

C87, §601K.58

C93, §216A.58

216A.59 Access to information.

The commission shall have access to all nonconfidential records, data, information, and statistics of all departments, boards, commissions, agencies, and institutions of this state, and upon terms which may be mutually agreed upon, have studies and research conducted.

86 Acts, ch 1245, §1229

C87, §601K.59

C93, §216A.59

216A.60 Annual report.

Not later than February 1 of each year the commission shall file a report with the governor and the general assembly of its proceedings for the previous calendar year, and may submit

with the report such recommendations pertaining to its affairs as it deems desirable, including recommendations for legislative consideration and other action it deems necessary.

86 Acts, ch 1245, §1230

C87, §601K.60

C93, §216A.60

216A.61 through 216A.70 Reserved.

SUBCHAPTER 5

DIVISION OF PERSONS WITH DISABILITIES

216A.71 Definitions.

For purposes of [this subchapter](#), unless the context otherwise requires:

1. “*Administrator*” means the administrator of the division of persons with disabilities of the department of human rights.

2. “*Commission*” means the commission of persons with disabilities.

3. “*Division*” means the division of persons with disabilities of the department of human rights.

86 Acts, ch 1245, §1231

C87, §601K.71

C93, §216A.71

95 Acts, ch 212, §10; 99 Acts, ch 201, §12

216A.72 Commission established.

There is hereby established a commission to be known as the “commission of persons with disabilities”.

86 Acts, ch 1245, §1232

C87, §601K.72

C93, §216A.72

216A.73 Ex officio members.

The following or designee shall serve as ex officio members of the commission:

1. The director of public health.
2. The director of the department of human services and any administrators of that department so assigned by the director.

3. The director of the department of education.

4. The administrator of the division of vocational rehabilitation of the department of education.

5. The director of the department for the blind.

6. The labor commissioner.

7. The workers’ compensation commissioner.

8. The director of the department of workforce development.

9. The director of the department of administrative services.

86 Acts, ch 1245, §1233

C87, §601K.73

C93, §216A.73

96 Acts, ch 1186, §23; 98 Acts, ch 1061, §11; 99 Acts, ch 96, §22; 2003 Acts, ch 145, §286

216A.74 Membership.

The commission shall be composed of a minimum of twenty-four members appointed by the governor and additional members as the governor may appoint. Insofar as practicable, the commission shall consist of persons with disabilities, family members of persons with disabilities, representatives of industry, labor, business, agriculture, federal, state, and local government, and representatives of religious, charitable, fraternal, civic, educational,

medical, legal, veteran, welfare, and other professional groups and organizations. Members shall be appointed representing every geographic center and employment area of the state and shall include members of both sexes.

86 Acts, ch 1245, §1234

C87, §601K.74

C93, §216A.74

216A.75 Term.

Members of the commission appointed by the governor shall serve for a term of two years. Vacancies on the commission shall be filled for the remainder of the term of the original appointment. Members whose terms expire may be reappointed.

86 Acts, ch 1245, §1235

C87, §601K.75

C93, §216A.75

216A.76 Officers.

The members of the commission shall appoint a commission chairperson and a vice chairperson and such other officers as the commission deems necessary. Such officers shall serve until their successors are appointed and qualified. Members of the commission shall receive actual expenses for their services. Members may also be eligible to receive compensation as provided in [section 7E.6](#). The commission shall adopt rules pursuant to [chapter 17A](#) for the commission and division.

86 Acts, ch 1245, §1236

C87, §601K.76

C93, §216A.76

216A.77 Duties.

The commission shall:

1. Carry on a continuing program to promote the employment of persons with disabilities.
2. Cooperate with all public and private agencies interested in the employment of persons with disabilities.
3. Cooperate with all agencies responsible for or interested in the rehabilitation and placement of persons with disabilities.
4. Encourage the organization of committees at the community level and work closely with such committees in promoting the employment of persons with disabilities.
5. Assist in developing employer acceptance of qualified workers who are persons with disabilities.
6. Inform persons with disabilities of specific facilities available in seeking employment.
7. Conduct such educational programs as members deem necessary.
8. Report annually to the governor and general assembly on commission activities and submit any recommendations believed necessary in promoting the employment of persons with disabilities.
9. Pursuant to [section 216A.2](#), be responsible for budgetary and personnel decisions for the commission and division.

86 Acts, ch 1245, §1237

C87, §601K.77

C93, §216A.77

216A.78 Administrator.

The commission officers may designate the duties and obligations of the position of administrator. The administrator may appoint such other personnel as may be necessary for the efficient performance of the duties prescribed by this part. The administrator shall carry out programs and policies as determined by the commission.

86 Acts, ch 1245, §1238

C87, §601K.78

C93, §216A.78
99 Acts, ch 114, §13

216A.79 Gifts, grants, or donations.

The commission may receive any gifts, grants, or donations made for any of the purposes of its program and disburse and administer the same in accordance with the terms thereof.

86 Acts, ch 1245, §1239
C87, §601K.79
C93, §216A.79

216A.80 through 216A.90 Reserved.

SUBCHAPTER 6

DIVISION OF COMMUNITY ACTION AGENCIES

216A.91 Definitions.

For purposes of [this subchapter](#), unless the context otherwise requires:

1. “*Administrator*” means the administrator of the division of community action agencies of the department of human rights.
2. “*Commission*” means the commission on community action agencies.
3. “*Community action agency*” means a public agency or a private nonprofit agency which is authorized under its charter or bylaws to receive funds to administer community action programs and is designated by the governor to receive and administer the funds.
4. “*Community action program*” means a program conducted by a community action agency which includes projects to provide a range of services to improve the conditions of poverty in the area served by the community action agency.
5. “*Delegate agency*” means a subgrantee or contractor selected by the community action agency.
6. “*Division*” means the division of community action agencies of the department of human rights.

86 Acts, ch 1245, §1240
C87, §601K.91
90 Acts, ch 1242, §1
C93, §216A.91
Referred to in [§23A.2, 28.7](#)

216A.92 Administrator’s duties.

The administrator shall:

1. Administer the division.
2. Implement programs required in the division.
3. Issue an annual report to the governor and general assembly regarding the community action programs conducted within the state.

86 Acts, ch 1245, §1241
C87, §601K.92
90 Acts, ch 1242, §2
C93, §216A.92

216A.92A Commission established.

1. The commission on community action agencies is created, composed of nine members appointed by the governor, subject to confirmation by the senate. The membership of the commission shall reflect the composition of local community action agency boards as follows:

- a. One-third of the members shall be elected officials.
- b. One-third of the members shall be representatives of business, industry, labor, religious, welfare, and educational organizations, or other major interest groups.

c. One-third of the members shall be persons who, according to federal guidelines, have incomes at or below poverty level.

2. Commission members shall serve three-year terms which shall begin and end pursuant to [section 69.19](#), and shall serve the entire term even if the member experiences a change in the status which resulted in their appointment under [subsection 1](#). Vacancies on the commission shall be filled for the remainder of the term of the original appointment. Members whose terms expire may be reappointed. Members of the commission shall receive actual expenses for their services. Members may also be eligible to receive compensation as provided in [section 7E.6](#). Members as specified under [subsection 1](#), paragraph “c”, however, shall receive per diem compensation as provided in [section 7E.6](#) and actual expenses. The membership of the commission shall also comply with the political party affiliation and gender balance requirements of [sections 69.16](#) and [69.16A](#).

3. The commission shall select from its membership a chairperson and other officers as it deems necessary. A majority of the members of the commission shall constitute a quorum.

90 Acts, ch 1242, §3

C91, §601K.92A

92 Acts, ch 1237, §13

C93, §216A.92A

99 Acts, ch 201, §13

Referred to in [§541A.5](#)

Confirmation, see §2.32

216A.92B Duties of the commission.

The commission shall:

1. Meet at least quarterly to review the progress of programs of the division.

2. Adopt rules pursuant to [chapter 17A](#) as it deems necessary for the commission and division, including rules concerning programs and policies for all bureaus of the division.

3. Supervise the collection of data relative to the scope of services provided by the community action agencies.

4. Recommend legislation to the governor and the general assembly designed to improve the status of low-income persons in the state.

90 Acts, ch 1242, §4

C91, §601K.92B

C93, §216A.92B

216A.93 Establishment of community action agencies.

The division shall recognize and assist in the designation of certain community action agencies to assist in the delivery of community action programs. These programs shall include, but not be limited to, outreach, low-income energy assistance, and weatherization programs. If a community action agency is in effect and currently serving an area, that community action agency shall become the designated community action agency for that area. If there is not a designated community action agency in the area a city council or county board of supervisors or any combination of one or more councils or boards may establish a community action agency and may apply to the division for recognition. The council or board or the combination may adopt an ordinance or resolution establishing a community action agency if a community action agency has not been designated. It is the purpose of the division of community action agencies to strengthen, supplement, and coordinate efforts to develop the full potential of each citizen by recognizing certain community action agencies and the continuation of certain community-based programs delivered by community action agencies.

86 Acts, ch 1245, §1242

C87, §601K.93

C93, §216A.93

Referred to in [§423.3](#)

216A.94 Community action agency board.

1. A recognized community action agency shall be governed by a board of directors composed of at least nine members. The board membership shall be as follows:

a. One-third of the members of the board shall be elected public officials currently holding office or their representatives. However, if the number of elected officials available and willing to serve is less than one-third of the membership of the board, the membership of the board consisting of appointive public officials may be counted as fulfilling the requirement that one-third of the members of the board be elected public officials.

b. At least one-third of the members of the board shall be chosen in accordance with procedures established by the community action agency to assure representation of the poor in an area served by the agency.

c. The remainder of the members of the board shall be members of business, industry, labor, religious, welfare, education, or other major groups or interests in the community.

2. Notwithstanding [subsection 1](#), a public agency shall establish an advisory board or may contract with a delegate agency to assist the governing board. The advisory board or delegate agency board shall be composed of the same type of membership as a board of directors for community action agencies under [subsection 1](#). However, the public agency acting as the community action agency shall determine annual program budget requests.

86 Acts, ch 1245, §1243

C87, §601K.94

87 Acts, ch 115, §73; 90 Acts, ch 1242, §5

C93, §216A.94

93 Acts, ch 56, §1

216A.95 Duties of board.

1. The governing board, delegate agency board, or advisory board shall:

a. Provide for:

(1) Comprehensive planning of the community action agency.

(2) Local needs assessment surveys conducted by the community action agency.

b. Approve overall program plans and priorities developed by the community action agency.

2. The governing board may:

a. Own, purchase, and dispose of property necessary for the operation of the community action agency.

b. Receive and administer funds and contributions from private or public sources which may be used to support community action programs.

c. Receive and administer funds from a federal or state assistance program pursuant to which a community action agency could serve as a grantee, a contractor, or a sponsor of a project appropriate for inclusion in a community action program.

86 Acts, ch 1245, §1244

C87, §601K.95

C93, §216A.95

216A.96 Duties of community action agency.

A community action agency or delegate agency shall:

1. Plan for a community action program by establishing priorities among projects, activities, and areas to provide for the most efficient use of possible resources.

2. Obtain and administer assistance from available sources on a common or cooperative basis, in an attempt to provide additional opportunities to low-income persons.

3. Establish effective procedures by which the concerned low-income persons and area residents may influence the community action programs affecting them by providing for methods of participation in the implementation of the community action programs and by providing technical support to assist persons to secure assistance available from public and private sources.

4. Encourage and support self-help, volunteer, business, labor, and other groups and organizations to assist public officials and agencies in supporting a community action

program which results in the additional use of private resources while developing new employment opportunities, encouraging investments which have an impact on reducing poverty among the poor in areas of concentrated poverty, and providing methods by which low-income persons can work with private organizations, businesses, and institutions in seeking solutions to problems of common concern.

86 Acts, ch 1245, §1245

C87, §601K.96

C93, §216A.96

216A.97 Administration.

A community action agency or a delegate agency may administer the components of a community action program when the program is consistent with plans and purposes and applicable law. The community action programs may be projects which are eligible for assistance from any source. The programs shall be developed to meet local needs and may be designed to meet eligibility standards of a federal or state program providing assistance to a plan to meet local needs.

86 Acts, ch 1245, §1246

C87, §601K.97

C93, §216A.97

216A.98 Audit.

Each community action agency shall be audited annually but shall not be required to obtain a duplicate audit to meet the requirements of [this section](#). In lieu of an audit by the auditor of state, the community action agency may contract with or employ a certified public accountant to conduct the audit, pursuant to the applicable terms and conditions prescribed by [sections 11.6 and 11.19](#) and an audit format prescribed by the auditor of state. Copies of each audit shall be furnished to the division within three months following the annual audit.

86 Acts, ch 1245, §1247

C87, §601K.98

89 Acts, ch 264, §9

C93, §216A.98

216A.99 Allocation of financial assistance.

The administrator shall provide financial assistance for community action agencies to implement community action programs, as permitted by the community service block grant, administer the low-income energy assistance block grants, department of energy funds for weatherization received in Iowa, and other possible funding sources.

If a political subdivision is the agency, the financial assistance shall be allocated to the political subdivision.

86 Acts, ch 1245, §1248

C87, §601K.99

C93, §216A.99

216A.100 Reserved.

216A.101 Emergency weatherization fund.

1. The division of community action agencies of the department of human rights shall identify all participants in the low-income home energy assistance program for the 1987-1988 winter heating season whose household income was less than seventy-five percent of the poverty level.

2. The division shall conduct within each community action agency an inventory of the residences of these individuals to determine the number of residences eligible for weatherization under the two programs currently administered by the division but which will not be weatherized in the next twelve months due to the current priorities imposed by the federal programs.

3. One and one-half percent of the total amount of funds appropriated by 1988 Iowa Acts,

[chapter 1280](#), to the division of community action agencies for the fiscal year beginning October 1, 1988, for the low-income home energy assistance block grants, shall be expended by the division for the operation of the program under [this section](#). The one and one-half percent shall be taken from those funds to be used for low-income residential weatherization or other related home repairs for low-income households; however, no less than ten percent of the total amount of funds appropriated for the low-income home energy assistance block grants shall be expended by the division for other low-income residential weatherization or related home repairs for low-income households.

4. The division shall allocate the available funds among the nineteen community action agencies and shall establish weatherization goals for each agency based upon the inventory in [subsection 2 of this section](#). The division shall give priority to weatherizing these residences.

5. The division shall submit a report to the general assembly on February 1, 1989. The report shall include the number of residences identified as eligible for weatherization in this project, the number of residences weatherized from July 1, 1988, to December 31, 1988, the average cost per dwelling weatherized, and the range of costs for individual weatherizations. In addition, the report shall include the department's recommendation for a program to complete the weatherization of the remaining residences in this category. The report shall also include an inventory of the number of residences not weatherized for the 1987-1988 participants whose household incomes fall between seventy-five percent and one hundred percent of the poverty level.

88 Acts, ch 1175, §5

C89, §601K.101

C93, §216A.101

216A.102 Energy crisis fund.

1. An energy crisis fund is created in the state treasury. Moneys deposited in the fund shall be used to assist low-income families who qualify for the low-income home energy assistance program to avoid loss of essential heating.

2. The fund may receive moneys including, but not limited to, the following:

a. Moneys appropriated by the general assembly for the fund.

b. After July 1, 1988, unclaimed patronage dividends of electric cooperative corporations or associations shall be applied to the fund following the time specified in [section 556.12](#) for claiming the dividend from the holder.

c. The fund may also receive contributions from customer contribution funds established under [section 476.66](#).

3. Under rules developed by the division of community action agencies of the department of human rights, the fund may be used to negotiate reconnection of essential utility services with the energy provider.

88 Acts, ch 1175, §6

C89, §601K.102

91 Acts, ch 270, §6

C93, §216A.102

2002 Acts, ch 1119, §146; 2008 Acts, ch 1126, §14, 33

216A.103 Iowa affordable heating program established.

1. The division shall establish an Iowa affordable heating program for the purpose of assisting low-income persons in paying for primary heating fuel costs.

2. In order to be eligible for participation in the Iowa affordable heating program, an applicant must meet all of the following requirements:

a. Meet the income guidelines established pursuant to the federal low-income home energy assistance program, with income at or below one hundred ten percent of the federal poverty income guidelines established by the office of management and budget. The division may adjust the income threshold by rule as necessitated by budgetary restrictions.

b. Participate in annual level payment plans for both gas and electric services if such plans are available to the participant. The division shall develop an alternative plan for participants whose energy providers do not provide such plans.

- c. Participate in the weatherization assistance program, if eligible.
 - d. Have insufficient finances, as determined by rule, which prohibit the payment of the entire cost of the heating of the applicant's home.
 - e. Submit to the administering agency within thirty days of application for participation in the program third-party verification of all of the following:
 - (1) The gross income of all of the members of the applicant's household in accordance with the rules adopted for the low-income home energy assistance program.
 - (2) The applicant's unreimbursed medical expenses for the time period corresponding to that used for the income calculation with proof of personal responsibility for these expenses.
 - f. Participate in counseling, provided by the administering agency, regarding energy efficiency.
3. In determination of the amount of the affordable heating payment for which the participant is eligible, the following formula shall be used:
- a. An annual adjusted income amount shall be calculated.
 - (1) To be eligible, an applicant must also apply and be eligible for participation in the low-income home energy assistance program. A participant's income shall be determined as the amount verified on a low-income home energy assistance program application.
 - (2) A participant's adjusted income shall be determined by subtracting from the verified income, the actual costs incurred for each of the following:
 - (a) Annual rental or mortgage payments, real estate taxes, and real estate insurance payments not to exceed a maximum established by division rule based on the statewide low-income housing cost average.
 - (b) Annual unreimbursed medical expenses, not to exceed two thousand four hundred dollars.
 - (c) Annual child support and alimony payments.
 - (d) The annual costs of water, basic local telephone, and nonheating electric services as defined by division rule.
 - (e) Annual child care costs incurred by a participant due to employment or participation in an academic or job-training program.
 - b. A predicted heating cost shall be calculated.
 - (1) When applicable, the predicted heating costs shall be the annual total calculated under [section 216A.103, subsection 2](#), paragraph "b", for level payment plans.
 - (2) Where [subsection 3](#), paragraph "b", subparagraph (1) does not apply, the predicted heating cost shall be based upon, but is not limited to, primary heating fuel usage incurred during the twelve-month period immediately preceding application, first adjusted for weather and then adjusted for rate changes occurring during the twelve-month period immediately preceding application.
 - c. Following the calculation of the participant's adjusted income and predicted heating cost, the participant's adjusted heating cost shall be calculated by:
 - (1) Adding the predicted heating cost figure to any scheduled repayment of an arrearage which has been negotiated between the participant and the primary heating fuel provider. The arrearage shall not exceed three hundred dollars annually. Any remaining arrearage shall be considered in subsequent years.
 - (2) Subtracting from the figure determined under paragraph "b" the federal low-income home energy assistance program grant, if a grant is received.
 - d. The division shall promulgate rules to establish a standard percentage not to exceed twenty-five percent of household heating costs to adjusted income, taking into consideration household family size. For each participant, the administering agency shall determine the percentage of adjusted heating cost to adjusted income. If the participant's percentage exceeds the standard percentage, an affordable heating payment shall be made as prescribed by rule. The payment shall be made to the participant's primary heating fuel provider and credited to the participant's heating account for the year in which the participant is eligible.
 - (1) When offered by the primary heating fuel provider, the provider shall calculate or recalculate the participant's annual level payment plan after all forms of assistance are credited. A monthly level payment shall be established. However, each level payment shall not be less than a monthly minimum as established by division rule.

(2) Reconciliation shall occur as prescribed in the rules of the Iowa utilities board or, at a minimum, annually, for unregulated heating fuel providers.

4. A participant in the Iowa affordable heating program who maintains the monthly level payment shall be protected from disconnection of service by the participant's primary heating fuel provider.

5. The administrator shall adopt rules pursuant to [chapter 17A](#) which establish the criteria under which a participant in the Iowa affordable heating program would be determined ineligible for continued participation in the program. The criteria shall include but are not limited to a requirement that the participant maintains the monthly level payment in order to maintain eligibility in the program.

6. Any moneys appropriated for the Iowa affordable heating program which are not expended by April 30 of each fiscal year shall be used to fund the low-income energy assistance program.

90 Acts, ch 1242, §7; 90 Acts, ch 1246, §1

C91, §601K.103

92 Acts, ch 1087, §1 – 8

C93, §216A.103

216A.104 Energy utility assessment and resolution program.

1. The general assembly finds that provision of assistance to prevent utility disconnections will also prevent the development of public health risks due to such disconnections. The division shall establish an energy utility assessment and resolution program administered by each community action agency for persons with low incomes who have or need a deferred payment agreement or are in need of an emergency fuel delivery to address home energy utility costs.

2. A person must meet all of the following requirements to be eligible for the program:

- a. The person is eligible for the federal low-income home energy assistance program.
- b. The person is a residential customer of an energy utility approved for the program by the division.
- c. The person has or is in need of a deferred payment agreement to address the person's home energy utility costs.
- d. The person is able to maintain or regain residential energy utility service in the person's own name.
- e. The person provides the information necessary to determine the person's eligibility for the program.

f. The person complies with other eligibility requirements adopted in rules by the division.

3. The program components shall include but are not limited to all of the following:

- a. Analysis of a program participant's current financial situation.
- b. Review of a program participant's resource and money management options.
- c. Skills development and assistance for a program participant in negotiating a deferred payment agreement with the participant's energy utility.
- d. Development of a written household energy affordability plan.
- e. Provision of energy conservation training and assistance.
- f. A requirement that a program participant must make uninterrupted, regular utility payments while participating in the program.

4. The division shall implement accountability measures for the program and require regular reporting on the measures by the community action agencies.

5. The division shall implement the program statewide, subject to the funding made available for the program.

2007 Acts, ch 218, §136

216A.105 and 216A.106 Reserved.

216A.107 Family development and self-sufficiency — council and grant program.

1. A family development and self-sufficiency council is established within the department of human rights. The council shall consist of the following persons:

- a. The director of the department of human services or the director's designee.
 - b. The director of the department of public health or the director's designee.
 - c. The administrator of the division of community action agencies of the department of human rights or the administrator's designee.
 - d. The director of the school of social work at the university of Iowa or the director's designee.
 - e. The dean of the college of human sciences at Iowa state university or the dean's designee.
 - f. Two recipients or former recipients of the family investment program, selected by the other members of the council.
 - g. One recipient or former recipient of the family investment program who is a member of a racial or ethnic minority, selected by the other members of the council.
 - h. One member representing providers of services to victims of domestic violence, selected by the other members of the council.
 - i. The head of the department of design, textiles, gerontology, and family studies at the university of northern Iowa or that person's designee.
 - j. The director of the department of education or the director's designee.
 - k. The director of the department of workforce development or the director's designee.
 - l. Two persons representing the business community, selected by the other members of the council.
 - m. Two members from each chamber of the general assembly serving as ex officio, nonvoting members. The two members of the senate shall be appointed one each by the majority leader and the minority leader of the senate. The two members of the house of representatives shall be appointed one each by the speaker and the minority leader of the house of representatives.
2. Unless otherwise provided by law, terms of members, election of officers, and other procedural matters shall be as determined by the council.
3. The family development and self-sufficiency council shall do all of the following:
- a. Identify the factors and conditions that place Iowa families at risk of dependency upon the family investment program. The council shall seek to use relevant research findings and national and Iowa-specific data on the family investment program.
 - b. Identify the factors and conditions that place Iowa families at risk of family instability. The council shall seek to use relevant research findings and national and Iowa-specific data on family stability issues.
 - c. Subject to the availability of funds for this purpose, award grants to public or private organizations for provision of family development services to families at risk of dependency on the family investment program or of family instability. Not more than five percent of any funds appropriated by the general assembly for the purposes of this lettered paragraph may be used for staffing and administration of the grants. Grant proposals for the family development and self-sufficiency grant program shall include the following elements:
 - (1) Designation of families to be served that meet one or more criteria for being at risk of dependency on the family investment program or of family instability, and agreement to serve clients that are referred by the department of human services from the family investment program which meet the criteria. The criteria may include but are not limited to factors such as educational level, work history, family structure, age of the youngest child in the family, previous length of stay on the family investment program, and participation in the family investment program or the foster care program while the head of a household was a child. Grant proposals shall also establish the number of families to be served under the grant.
 - (2) Designation of the services to be provided for the families served, including assistance regarding job-seeking skills, family budgeting, nutrition, self-esteem, methamphetamine education, health and hygiene, child rearing, child education preparation, and goal setting. Grant proposals shall indicate the support groups and support systems to be developed for the families served during the transition between the need for assistance and self-sufficiency.
 - (3) Designation of the manner in which other needs of the families will be provided for, including but not limited to child care assistance, transportation, substance abuse treatment, support group counseling, food, clothing, and housing.

(4) Designation of the process for training of the staff which provides services, and the appropriateness of the training for the purposes of meeting family development and self-sufficiency goals of the families being served.

(5) Designation of the support available within the community for the program and for meeting subsequent needs of the clients, and the manner in which community resources will be made available to the families being served.

(6) Designation of the manner in which the program will be subject to audit and to evaluation.

(7) Designation of agreement provisions for tracking and reporting performance measures developed pursuant to paragraph “d”.

d. Develop appropriate performance measures for the grant program to demonstrate how the program helps families achieve self-sufficiency.

e. Seek to enlist research support from the Iowa research community in meeting the duties outlined in paragraphs “a” through “d”.

f. Seek additional support for the funding of grants under the program, including but not limited to funds available through the federal government in serving families at risk of long-term welfare dependency, and private foundation grants.

g. Make recommendations to the governor and the general assembly on the effectiveness of programs in Iowa and throughout the country that provide family development services that lead to self-sufficiency for families at risk of welfare dependency.

4. a. The division shall administer the family development and self-sufficiency grant program. The department of human services shall disclose to the division confidential information pertaining to individuals receiving services under the grant program, as authorized under [section 217.30](#). The division and the department of human services shall share information and data necessary for tracking performance measures of the family development and self-sufficiency grant program, for referring families participating in the promoting independence and self-sufficiency through employment job opportunities and basic skills (PROMISE JOBS) program under [section 239B.17](#) and related activities and programs to the grant program, and for meeting federal reporting requirements. The division and the department of human services may by mutual agreement, as specified in the memorandum of agreement entered into in accordance with paragraph “b”, add to or delete from the initial shared information items listed in this lettered paragraph. The initial shared information shall include but is not limited to all of the following:

(1) Family enrollments and exits to and from each of the programs.

(2) Monthly reports of individual participant activity in PROMISE JOBS components that are countable work activities according to federal guidelines applicable to those components.

(3) Aggregate grant program participant activity in all PROMISE JOBS program components.

(4) Work participation rates for grant program participants who were active family investment program participants.

(5) The average hourly wage of grant program participants who left the family investment program.

(6) The percentage of grant program participants who exited from the grant program at or after the time family investment program participation ended and did not reenroll in the family investment program for at least one year.

b. The division shall develop a memorandum of agreement with the department of human services to share outcome data and coordinate referrals and delivery of services to participants in the family investment program under [chapter 239B](#) and the grant program and other shared clients and shall provide the department of human services with information necessary for compliance with federal temporary assistance for needy families block grant state plan and reporting requirements, including but not limited to financial and data reports.

c. To the extent that the family development and self-sufficiency grant program is funded by the federal temporary assistance for needy families block grant and by the state maintenance of efforts funds appropriated in connection with the block grant, the division shall comply with all federal requirements for the block grant. The division is responsible

for payment of any federal penalty imposed that is attributable to the grant program and shall receive any federal bonus payment attributable to the grant program.

d. The division shall ensure that expenditures of moneys appropriated to the department of human services from the general fund of the state for the family development and self-sufficiency grant program are eligible to be considered as state maintenance of effort expenditures under federal temporary assistance for needy families block grant requirements.

e. The commission shall consider the recommendations of the council in adopting rules pertaining to the grant program.

f. The division shall submit to the governor and general assembly on or before November 30 following the end of each state fiscal year, a report detailing performance measure and outcome data evaluating the family development and self-sufficiency grant program for the fiscal year that just ended.

2008 Acts, ch 1072, §1

Referred to in [§232.69](#), [239B.8](#)

Legislative appointments, see §69.16B

Family development and self-sufficiency grant funding; continued statewide implementation of grant program; 2008 Acts, ch 1187, §5; 2009 Acts, ch 182, §5, 6

Membership of family development and self-sufficiency council as of June 30, 2008, to continue until revised by council; grants in effect as of that date to continue pursuant to terms of the grants; 2008 Acts, ch 1072, §7

216A.108 through 216A.110 Reserved.

SUBCHAPTER 7

DIVISION OF DEAF SERVICES

216A.111 Definitions.

For purposes of [this subchapter](#), unless the context otherwise requires:

1. “*Administrator*” means the administrator of the division of deaf services of the department of human rights.

2. “*Commission*” means the commission on the deaf.

3. “*Division*” means the division of deaf services of the department of human rights.

86 Acts, ch 1245, §1250

C87, §601K.111

C93, §216A.111

216A.112 Commission created.

A commission on the deaf is established, consisting of seven members appointed by the governor, subject to confirmation by the senate. Lists of nominees for appointment to membership on the commission may be submitted by the Iowa association of the deaf, the Iowa state registry of interpreters for the deaf, the Iowa school for the deaf, and the commission of persons with disabilities. At least four members shall be persons who are deaf and who cannot hear human speech with or without use of amplification and at least one member who is hard of hearing. All members shall reside in Iowa. The members of the commission shall appoint the chairperson of the commission. A majority of the members of the commission constitutes a quorum.

Terms of office are three years and shall begin and end pursuant to [section 69.19](#). The commission shall adopt rules concerning programs and services for deaf and hard-of-hearing persons.

Commission members shall be reimbursed for actual expenses incurred in performance of their duties. Members may also be eligible to receive compensation as provided in [section 7E.6](#).

86 Acts, ch 1245, §1251

C87, §601K.112

87 Acts, ch 58, §1; 87 Acts, ch 115, §74

C93, §216A.112

93 Acts, ch 75, §3; 95 Acts, ch 212, §11

Confirmation, see §2.32

216A.113 Commission employees.

The commission may employ clerical staff who shall be qualified by experience to assume the responsibilities of the offices. The administrator shall be the administrative officer of the commission and shall be responsible for implementing policy set by the commission. The administrator shall carry out programs and policies as determined by the commission.

86 Acts, ch 1245, §1252

C87, §601K.113

C93, §216A.113

216A.114 Duties of commission.

The commission shall:

1. Interpret to communities and to interested persons the needs of the deaf and hard-of-hearing and how their needs may be met through the use of service providers.

2. Obtain without additional cost to the state available office space in public and private agencies which service providers may utilize in carrying out service projects for deaf and hard-of-hearing persons. However, if space is not available in a specific service area without additional cost to the state, the commission may obtain other office space which is located with other public or private agencies. The space shall be obtained at the lowest cost available and the terms of the lease must be approved by the director of the department of administrative services.

3. Establish service projects for deaf and hard-of-hearing persons throughout the state. Projects shall not be undertaken by service providers for compensation which would duplicate existing services when those services are available to deaf and hard-of-hearing persons through paid interpreters or other persons able to communicate with deaf and hard-of-hearing persons.

As used in [this section](#), “service projects” includes interpretation services for persons who are deaf and hard-of-hearing, referral and counseling services for deaf and hard-of-hearing persons in the areas of adult education, legal aid, employment, medical, finance, housing, recreation, and other personal assistance and social programs.

“Service providers” are persons who, for compensation or on a volunteer basis, carry out service projects.

4. Identify agencies, both public and private, which provide community services, evaluate the extent to which they make services available to deaf and hard-of-hearing persons, and cooperate with the agencies in coordinating and extending these services.

5. Collect information concerning deafness or hearing loss and provide for the dissemination of the information.

6. Provide for the mutual exchange of ideas and information on services for deaf and hard-of-hearing persons between federal, state, and local governmental agencies and private organizations and individuals.

7. Pursuant to [section 216A.2](#), be responsible for budgeting and personnel decisions for the commission and division.

86 Acts, ch 1245, §1253

C87, §601K.114

87 Acts, ch 115, §75; 89 Acts, ch 54, §1

C93, §216A.114

93 Acts, ch 75, §4; 2003 Acts, ch 145, §286

216A.115 Powers.

The commission shall have all powers necessary to carry out the functions and duties specified in [this subchapter](#), including, but not limited to the power to establish advisory committees on special studies, to solicit and accept gifts and grants, to adopt rules according to [chapter 17A](#) for the commission and division, and to contract with public and private

groups to conduct its business. All departments, divisions, agencies, and offices of the state shall make available upon request of the commission information which is pertinent to the subject matter of the study and which is not by law confidential.

86 Acts, ch 1245, §1254

C87, §601K.115

C93, §216A.115

216A.116 Report.

The commission shall make a detailed report of its activities, studies, conclusions, and recommendations to the general assembly not later than February 15 of each odd-numbered year.

86 Acts, ch 1245, §1255

C87, §601K.116

C93, §216A.116

216A.117 Interpretation services account.

All fees collected by the division for provision of interpretation service by the division to obligated agencies shall be deposited in a separate account within the general operating fund of the division and shall be dedicated to and used by the division for the provision of continued and expanded interpretation services. The commission shall adopt rules which establish a fee schedule for the costs of provision of interpretation services, for collection of the fees, and for disposition of moneys received under [this section](#). Notwithstanding [section 8.33](#), any balance in the separate account at the end of any fiscal year, shall be retained in the account.

88 Acts, ch 1277, §13

C89, §601K.117

89 Acts, ch 320, §12

C93, §216A.117

216A.118 through 216A.120 Reserved.

SUBCHAPTER 8

ABRAHAM LINCOLN BICENTENNIAL COMMISSION

216A.121 Iowa Abraham Lincoln bicentennial commission.

1. *Organization.* An Iowa Abraham Lincoln bicentennial commission is established in the department of human rights. The commission shall be chartered and shall operate as a nonprofit corporation within the state of Iowa according to the provisions of [chapter 504](#).

2. *Purpose.* The purpose of the commission shall be to plan, coordinate, and administer activities and programs relating to the commemoration of the bicentennial of the birth of Abraham Lincoln in 2009.

3. *Membership.*

a. The commission shall consist of twenty-two members, including eighteen voting members and four nonvoting members.

(1) The voting members shall be as follows:

(a) The governor or the governor's designee.

(b) One member, appointed by the governor, who is an Iowa designated representative to the federal Abraham Lincoln bicentennial commission governors' council.

(c) One member appointed by the president of humanities Iowa.

(d) One member appointed by the director of the department of economic development.

(e) One member appointed by the administrator of the state historical society of Iowa.

(f) One member appointed by the executive director of the Iowa arts council.

(g) One member appointed by the executive director of the Iowa museum society.

(h) One member appointed by the president of the league of Iowa human rights agencies.

- (i) One member appointed by the president of the Iowa league of cities.
 - (j) One member appointed by the executive director of the Iowa state association of counties.
 - (k) One member appointed by the director of the department of education.
 - (l) One member appointed by the chairperson of the state board of regents.
 - (m) One member appointed by the president of the Iowa library board.
 - (n) One member appointed by the chairperson of the Iowa state chapter of the national association for the advancement of colored people.
 - (o) Four public members, appointed by the governor, with a demonstrated interest in history and substantial knowledge and appreciation of Abraham Lincoln.
- (2) The nonvoting members shall be two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.
- b. Ten voting members of the board shall constitute a quorum. Persons making appointments shall consult with one another to ensure that the commission is balanced by gender, political affiliation, and geographic location and to ensure selection of members representing diverse interest groups. The provisions of [chapters 21](#) and [22](#) shall apply to meetings and records of the commission.
- c. The commission shall elect a chairperson and vice chairperson from the members of the commission. Commission members shall serve without compensation, but shall be reimbursed for actual and necessary expenses.
4. *Rulemaking authority.* The department, in cooperation with the commission, may adopt rules in accordance with [chapter 17A](#) in order to accomplish the purpose of the commission.
5. *Authority.* The commission may receive and make grants, receive and expend appropriations, contract for services, hold licenses and copyrights, and otherwise act as is necessary to accomplish the purpose of the commission.
6. *Fund established.* The Abraham Lincoln bicentennial fund is established as a separate fund in the state treasury under the control of the commission.
7. *Funds received.* All funds received by the commission, including but not limited to gifts, transfers, endowments, moneys from the sale of mementos and products related to the purposes of the commission, and appropriations, shall be credited to the bicentennial fund and are appropriated to the commission to be invested or used to support the activities of the commission. Notwithstanding [section 8.33](#), any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.
8. *Expiration.* The commission shall expire no later than June 30, 2010. Upon expiration, all fund balances from appropriations of state funds shall be returned to the general fund of the state, and all other assets shall be transferred to the Iowa historical foundation authorized pursuant to [section 303.9, subsection 3](#), subject to any conditions or restrictions previously placed on the assets.
9. [This section](#) is repealed June 30, 2010.
2007 Acts, ch 99, §1; 2007 Acts, ch 215, §98

216A.122 through 216A.130 Reserved.

SUBCHAPTER 9

DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING

216A.131 Definitions.

For the purpose of [this subchapter](#), unless the context otherwise requires:

1. “*Administrator*” means the administrator of the division of criminal and juvenile justice planning.

- 2. “Council” means the criminal and juvenile justice planning advisory council.
 - 3. “Division” means the division of criminal and juvenile justice planning.
- 88 Acts, ch 1277, §14
C89, §601K.131
90 Acts, ch 1124, §1
C93, §216A.131

216A.132 Council established — terms — compensation.

1. A criminal and juvenile justice planning advisory council is established consisting of twenty-three members.

a. The governor shall appoint seven members each for a four-year term beginning and ending as provided in [section 69.19](#) and subject to confirmation by the senate as follows:

(1) Three persons, each of whom is a county supervisor, county sheriff, mayor, city chief of police, or county attorney.

(2) Two persons who represent the general public and are not employed in any law enforcement, judicial, or corrections capacity.

(3) Two persons who are knowledgeable about Iowa’s juvenile justice system.

b. The departments of human services, corrections, and public safety, the division on the status of African-Americans, the Iowa department of public health, the chairperson of the board of parole, the attorney general, the state public defender, the governor’s office of drug control policy, and the chief justice of the supreme court shall each designate a person to serve on the council. The person appointed by the Iowa department of public health shall be from the departmental staff who administer the comprehensive substance abuse program under [chapter 125](#).

c. The chief justice of the supreme court shall appoint two additional members currently serving as district judges. Two members of the senate and two members of the house of representatives shall be ex officio members and shall be appointed by the majority and minority leaders of the senate and the speaker and minority leader of the house of representatives pursuant to [section 69.16](#) and shall serve terms as provided in [section 69.16B](#). Nonlegislative members appointed pursuant to this paragraph shall serve for four-year terms beginning and ending as provided in [section 69.19](#) unless the member ceases to serve as a district court judge.

2. Members of the council shall receive reimbursement from the state for actual and necessary expenses incurred in the performance of their official duties. Members may also be eligible to receive compensation as provided in [section 7E.6](#).

88 Acts, ch 1277, §15

C89, §601K.132

90 Acts, ch 1124, §2

C93, §216A.132

2006 Acts, ch 1010, §66; 2007 Acts, ch 22, §51; 2008 Acts, ch 1085, §1, 2; 2008 Acts, ch 1156, §28, 58

Confirmation, see §2.32

216A.133 Duties.

The council shall do all of the following:

1. Identify issues and analyze the operation and impact of present criminal and juvenile justice policy and make recommendations for policy changes, including recommendations pertaining to efforts to curtail criminal gang activity.

2. Coordinate with data resource agencies to provide data and analytical information to federal, state, and local governments, and assist agencies in the use of criminal and juvenile justice data.

3. Report criminal and juvenile justice system needs to the governor, the general assembly, and other decision makers to improve the criminal and juvenile justice system.

4. Provide technical assistance upon request to state and local agencies.

5. Administer federal funds and funds appropriated by the state or that are otherwise

available for study, research, investigation, planning, and implementation in the areas of criminal and juvenile justice.

6. Make grants to cities, counties, and other entities pursuant to applicable law.
7. Maintain an Iowa correctional policy project as provided in [section 216A.137](#).

88 Acts, ch 1277, §16

C89, §601K.133

90 Acts, ch 1124, §3; 92 Acts, ch 1231, §47

C93, §216A.133

216A.134 Administrator.

The administrator shall be responsible to the council, and pursuant to [section 216A.2](#), with the approval of the council, shall employ and supervise other persons necessary to carry out the programs and policies established by the council.

88 Acts, ch 1277, §17

C89, §601K.134

C93, §216A.134

216A.135 Plan and report.

Beginning in 1989, and every five years thereafter, the division shall develop a twenty-year criminal and juvenile justice plan for the state which shall include ten-year, fifteen-year, and twenty-year goals and a comprehensive five-year plan for criminal and juvenile justice programs. The five-year plan shall be updated annually and each twenty-year plan and annual updates of the five-year plan shall be submitted to the governor and the general assembly by February 1.

Beginning in 1992, the division shall include in the plans, updates, and reports required by [this section](#) an identification and evaluation of existing juvenile treatment programs based upon quantifiable goals established by the division, utilizing its existing computer capacity and access.

88 Acts, ch 1277, §18

C89, §601K.135

92 Acts, ch 1231, §48

C93, §216A.135

Referred to in [§216A.137](#)

216A.136 Statistical analysis center — access to records.

The division shall maintain an Iowa statistical analysis center for the purpose of coordinating with data resource agencies to provide data and analytical information to federal, state, and local governments, and assist agencies in the use of criminal and juvenile justice data. Notwithstanding any other provision of state law, unless prohibited by federal law or regulation, the division shall be granted access, for purposes of research and evaluation, to criminal history records, official juvenile court records, juvenile court social records, and any other data collected or under control of the board of parole, department of corrections, department of workforce development, district departments of correctional services, department of human services, judicial branch, and department of public safety. However, intelligence data and peace officer investigative reports maintained by the department of public safety shall not be considered data for the purposes of [this section](#). Any record, data, or information obtained by the division under [this section](#) and the division itself is subject to the federal and state confidentiality laws and regulations which are applicable to the original record, data, or information obtained by the division and to the original custodian of the record, data, or information. The access shall include but is not limited to all of the following:

1. Juvenile court records and all other information maintained under [sections 232.147 through 232.153](#).
2. Child abuse information under [sections 235A.15 through 235A.19](#).
3. Dependent adult abuse records maintained under [chapter 235B](#).
4. Criminal history data maintained under [chapter 692](#).

5. Sex offender registry information maintained under [chapter 692A](#).
 6. Presentence investigation reports maintained under [section 901.4](#).
 7. Corrections records maintained under [sections 904.601](#) and [904.602](#).
 8. Community-based correctional program records maintained under [chapter 905](#).
 9. Parole records maintained under [chapter 906](#).
 10. Deferred judgment, deferred or suspended sentence, and probation records maintained under [chapter 907](#).
 11. Violation of parole or probation records maintained under [chapter 908](#).
 12. Fines and victim restitution records maintained under [chapters 909](#) and [910](#).
 13. Employment records maintained under [section 96.11](#).
- 88 Acts, ch 1277, §19
C89, §601K.136
90 Acts, ch 1124, §4
C93, §216A.136
96 Acts, ch 1150, §2; 96 Acts, ch 1193, §3, 4; 98 Acts, ch 1047, §18; 2008 Acts, ch 1085, §3, 4

216A.137 Correctional policy project.

The division shall maintain an Iowa correctional policy project for the purpose of conducting analyses of major correctional issues affecting the criminal and juvenile justice system. The council shall identify and prioritize the issues and studies to be addressed by the division through this project and shall report project plans and findings annually along with the report required in [section 216A.135](#). Issues and studies to be considered by the council shall include, but are not limited to a review of the information systems available to assess corrections trends and program effectiveness, the development of an evaluation plan for assessing the impact of corrections expenditures, a study of the desirability and feasibility of changing the state's sentencing practices, a public opinion survey to assess the public's view of possible changes in current corrections practices, and the development of parole guidelines.

The division may form subcommittees for the purpose of addressing major correctional issues affecting the criminal and juvenile justice system. The division shall establish a subcommittee to address issues specifically affecting the juvenile justice system.

90 Acts, ch 1124, §5
C91, §601K.137
C93, §216A.137
Referred to in [§216A.133](#)

216A.138 Multiagency database concerning juveniles.

1. The division shall coordinate the development of a multiagency database to track the progress of juveniles through various state and local agencies and programs. The division shall develop a plan which utilizes existing databases, including the Iowa court information system, the federally mandated national adoption and foster care information system, and the other state and local databases pertaining to juveniles, to the extent possible.

2. The department of human services, department of corrections, judicial branch, department of public safety, department of education, local school districts, and other state agencies and political subdivisions shall cooperate with the division in the development of the plan.

3. The database shall be designed to track the progress of juveniles in various programs, evaluate the experiences of juveniles, and evaluate the success of the services provided.

4. The division shall develop the plan within the context of existing federal privacy and confidentiality requirements. The plan shall build upon existing resources and facilities to the extent possible.

5. The plan shall include proposed guidelines for the sharing of information by case management teams, consisting of designated representatives of various state and local agencies and political subdivisions to coordinate the delivery of services to juveniles under the jurisdiction of the juvenile court. The guidelines shall be developed to structure and improve the information-sharing procedures of case management teams established

pursuant to any applicable state or federal law or approved by the juvenile court with respect to a juvenile who is the recipient of the case management team services. The plan shall also contain proposals for changes in state laws or rules to facilitate the exchange of information among members of case management teams.

6. The plan shall include development of a resource guide outlining successful programs and practices established within this state which are designed to promote positive youth development and that assist delinquent and other at-risk youth in overcoming personal and social problems. The guide shall be made publicly available.

7. If the division has insufficient funds and resources to implement [this section](#), the division shall determine what, if any, portion of [this section](#) may be implemented, and the remainder of [this section](#) shall not apply.

8. The division shall submit a report on the plan required by [this section](#) to the general assembly on or before January 15, 1994.

92 Acts, ch 1231, §49; 97 Acts, ch 126, §9; 98 Acts, ch 1047, §19

216A.139 Sex offender research council.

1. The division shall establish and maintain a council to study and make recommendations for treating and supervising adult and juvenile sex offenders in institutions, community-based programs, and in the community.

2. The voting members of the council shall include one representative of each of the following:

- a. The department of corrections.
- b. The department of human services.
- c. The department of public safety.
- d. The state public defender.
- e. The department of public health.
- f. The juvenile court appointed by the judicial branch.
- g. A judicial district department of correctional services.
- h. The board of parole.
- i. The department of justice.
- j. The Iowa county attorneys association.
- k. The American civil liberties union of Iowa.
- l. The Iowa state sheriffs' and deputies' association.
- m. The Iowa coalition against sexual assault.

3. In addition to the voting members, the council membership shall include four members of the general assembly with one member designated by each of the following: the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives. A legislative member serves for a term as provided in [section 69.16B](#) in an ex officio, nonvoting capacity.

4. The council shall study the following:

- a. The effectiveness of electronically monitoring sex offenders.
- b. The cost and effectiveness of special sentences pursuant to [chapter 903B](#).
- c. Risk assessment models created for sex offenders.
- d. Determining the best treatment programs available for sex offenders and the efforts of Iowa and other states to implement treatment programs.
- e. The efforts of Iowa and other states to prevent sex abuse-related crimes including child sex abuse.

f. Any other issues the council deems necessary, including but not limited to computer and internet sex-related crimes, sex offender case management, best practices for sex offender supervision, the sex offender registry, and the effectiveness of safety zones.

5. The council shall submit a report, beginning January 15, 2009, and every year thereafter by January 15, to the governor and general assembly regarding actions taken, issues studied, and council recommendations.

6. Members of the council shall receive actual and necessary expenses incurred while attending any meeting of the council and may also be eligible to receive compensation as provided in [section 7E.6](#). All expense moneys paid to the nonlegislative members shall be paid

from funds appropriated to the division. Legislative members shall receive compensation as provided in [sections 2.10](#) and [2.12](#).

7. Vacancies shall be filled by the original appointing authority in the manner of the original appointments.

2008 Acts, ch 1085, §5; 2009 Acts, ch 106, §5, 6, 14

2009 amendment to subsection 2 and new subsection 3 apply to legislative appointees named before, on, or after May 18, 2009, and to appointments subject to senate confirmation on or after May 18, 2009; 2009 Acts, ch 106, §14

216A.140 Iowa collaboration for youth development council — state of Iowa youth advisory council.

1. *Definitions.* For the purposes of [this section](#), unless the context otherwise requires:

a. “Youth” means children and young persons who are ages six through twenty-one years.

b. “Youth advisory council” means the state of Iowa youth advisory council created by [this section](#).

c. “Youth development council” means the Iowa collaboration for youth development council created by [this section](#).

2. *Collaboration council created.* An Iowa collaboration for youth development council is created as an alliance of state agencies that address the needs of youth in Iowa.

3. *Purpose.* The purpose of the youth development council is to improve the lives and futures of Iowa’s youth by doing all of the following:

a. Adopting and applying positive youth development principles and practices at the state and local levels.

b. Increasing the quality, efficiency, and effectiveness of opportunities and services and other supports for youth.

c. Improving and coordinating state youth policy and programs across state agencies.

4. *Vision statement.* All youth development activities addressed by the youth development council shall be aligned around the following vision statement: “All Iowa youth will be safe, healthy, successful, and prepared for adulthood.”

5. *Membership.* The youth development council membership shall be determined by the council itself and shall include the directors or chief administrators, or their designees, from the following state agencies and programs:

a. Child advocacy board.

b. Iowa commission on volunteer service in the office of the governor.

c. Department of education.

d. Department of human rights.

e. Department of human services.

f. Department of public health.

g. Department of workforce development.

h. Governor’s office of drug control policy.

i. Iowa cooperative extension service in agriculture and home economics.

j. Office of community empowerment in the department of management.

6. *Procedure.* Except as otherwise provided by law, the youth development council shall determine its own rules of procedure and operating policies, including but not limited to terms of members. The youth development council may form committees or subgroups as necessary to achieve its purpose.

7. *Duties.* The youth development council’s duties shall include but are not limited to all of the following:

a. Study, explore, and plan for the best approach to structure and formalize the functions and activities of the youth development council to meet its purpose, and make formal recommendations for improvement to the governor and general assembly.

b. Review indicator data and identify barriers to youth success and develop strategies to address the barriers.

c. Coordinate across agencies the state policy priorities for youth.

d. Strengthen partnerships with the nonprofit and private sectors to gather input, build consensus, and maximize use of existing resources and leverage new resources to improve the lives of youth and their families.

- e. Oversee the activities of the youth advisory council.
- f. Seek input from and engage the youth advisory council in the development of more effective policies, practices, and programs to improve the lives and futures of youth.
- g. Report annually by February 1 to the governor and general assembly.
- 8. *State of Iowa youth advisory council.* A state of Iowa youth advisory council is created to provide input to the governor, general assembly, and state and local policymakers on youth issues.
 - a. The purpose of the youth advisory council is to foster communication among a group of engaged youth and the governor, general assembly, and state and local policymakers regarding programs, policies, and practices affecting youth and families; and to advocate for youth on important issues affecting youth.
 - b. The youth advisory council shall consist of no more than twenty-one youth ages fourteen through twenty years who reside in Iowa. Membership shall be for two-year staggered terms. The department director, or the director's designee, shall select council members using an application process. The department director or the director's designee shall strive to maintain a diverse council membership and shall take into consideration race, ethnicity, disabilities, gender, and geographic location of residence of the applicants.
 - c. Except as otherwise provided by law, the youth advisory council shall determine its own rules of procedure and operating policies, subject to approval by the department director or the director's designee.
 - d. The youth advisory council shall meet at least quarterly.
- 9. *Lead agency.* The lead agency for support of the Iowa collaboration for youth development council and the state of Iowa youth advisory council is the department. The department shall coordinate activities and, with funding made available to it for such purposes, provide staff support for the youth development council and the youth advisory council.

2009 Acts, ch 53, §1; 2009 Acts, ch 179, §35

SUBCHAPTER 10

DIVISION ON THE STATUS OF AFRICAN-AMERICANS

216A.141 Definitions.

For purposes of [this subchapter](#), unless the context otherwise requires:

1. "Administrator" means the administrator of the division on the status of African-Americans of the department of human rights.
2. "Commission" means the commission on the status of African-Americans.
3. "Division" means the division on the status of African-Americans of the department of human rights.

88 Acts, ch 1201, §1

C89, §601K.141

91 Acts, ch 50, §3

C93, §216A.141

216A.142 Establishment.

There is established a commission on the status of African-Americans to consist of nine members, appointed by the governor, and confirmed by the senate, to staggered four-year terms. At least five members shall be individuals who are African-American. Members shall be appointed representing every geographical area of the state. No more than a simple majority of the commission shall be of the same political party. The members of the commission shall appoint from its membership a commission chairperson and a vice chairperson and other officers as the commission deems necessary. Vacancies on the commission shall be filled for the remainder of the term of the original appointment.

88 Acts, ch 1201, §2

C89, §601K.142
 91 Acts, ch 50, §4
 C93, §216A.142
 Confirmation, see §2.32

216A.143 Meetings of the commission.

The commission shall meet at least once each quarter and may hold special meetings on the call of the chairperson. The commission may adopt rules pursuant to [chapter 17A](#) as it deems necessary for the conduct of its business. The members of the commission shall be reimbursed for actual expenses while engaged in their official duties. Members may also be eligible to receive compensation as provided in [section 7E.6](#).

88 Acts, ch 1201, §3
 C89, §601K.143
 C93, §216A.143
 95 Acts, ch 69, §1

216A.144 Objectives of commission.

The commission shall study the changing needs and problems of African-Americans in this state, and recommend new programs, policies, and constructive action to the governor and the general assembly including, but not limited to, the following areas:

1. Public and private employment policies and practices.
2. Iowa labor laws.
3. Legal treatment relating to political and civil rights.
4. African-American children, youth, and families.
5. Expanded programs to assist African-Americans as consumers.
6. The employment of African-Americans and the initiation and sustaining of African-American businesses and African-American entrepreneurship.
7. African-Americans as members of private and public boards, committees, and organizations.
8. Education, health, housing, social welfare, human rights, and recreation.
9. The legal system, including law enforcement, both criminal and civil.
10. Social service programs.

88 Acts, ch 1201, §4
 C89, §601K.144
 91 Acts, ch 50, §5
 C93, §216A.144
 Referred to in [§216A.147](#)

216A.145 Employees and responsibility.

The administrator shall be the administrative officer of the division and shall be responsible for implementing policies and programs. The administrator may employ, in accordance with [chapter 8A, subchapter IV](#), other persons necessary to carry out the programs of the division.

88 Acts, ch 1201, §5
 C89, §601K.145
 C93, §216A.145
 2003 Acts, ch 145, §206

216A.146 Duties.

The commission shall do all of the following:

1. Serve as an information clearinghouse on programs and agencies operating to assist African-Americans. Clearinghouse duties shall include, but are not limited to:
 - a. Service as a referral agency to assist African-Americans in securing access to state agencies and programs.
 - b. Service as a liaison with federal, state, and local governmental units and private organizations on matters relating to African-Americans.
 - c. Service as a communications conduit to state government for African-American organizations in the state.

- d. Stimulation of public awareness of the problems of African-Americans.
2. Conduct conferences and training programs for African-Americans, public and private agencies and organizations, and the general public.
3. Coordinate, assist, and cooperate with public and private agencies in efforts to expand equal rights and opportunities for African-Americans in the areas of: employment, economic development, education, health, housing, recreation, social welfare, social services, and the legal system.
4. Serve as the central permanent agency for the advocacy of services for African-Americans.
5. Provide assistance to and cooperate with individuals and public and private agencies and organizations in joint efforts to study and resolve problems relating to the improvement of the status of African-Americans.
6. Publish and disseminate information relating to African-Americans, including publicizing their accomplishments and contributions to this state.
7. Evaluate existing and proposed programs and legislation for their impact on African-Americans.
8. Coordinate or conduct training programs for African-Americans to enable them to assume leadership positions.
9. Conduct surveys of African-Americans to ascertain their needs.
10. Assist the department of administrative services in the elimination of underutilization of African-Americans in the state's workforce.
11. Recommend legislation to the governor and the general assembly designed to improve the educational opportunities and the economic and social conditions of African-Americans in this state.

88 Acts, ch 1201, §6

C89, §601K.146

91 Acts, ch 50, §6

C93, §216A.146

2003 Acts, ch 145, §286

Referred to in [§216A.147](#)

216A.147 Additional authority.

The commission may do any or all of the following:

1. Do all things necessary, proper, and expedient in accomplishing the duties listed in [section 216A.146](#) and [this section](#).
2. Hold hearings.
3. Enter into contracts, within the limit of funds made available, with individuals, organizations, and institutions for services furthering the objectives of the commission as listed in [section 216A.144](#).
4. Seek advice and counsel of informed individuals and organizations, in the accomplishment of the objectives of the commission.
5. Apply for and accept grants of money or property from the federal government or any other source, and upon its own order use this money, property, or other resources to accomplish the objectives of the commission.

88 Acts, ch 1201, §7

C89, §601K.147

C93, §216A.147

216A.148 Access to information.

For the purpose of research and study, the commission and the administrator shall have access to all nonconfidential records, data, information, and statistics of all departments, boards, commissions, agencies, and institutions of this state.

88 Acts, ch 1201, §8

C89, §601K.148

C93, §216A.148

216A.149 Annual report.

Not later than August 1 of each year, the commission shall file a report with the governor and the general assembly of its activities for the previous fiscal year and its programmatic priorities for the current year beginning July 1. The commission may submit with the report any recommendations pertaining to its affairs and shall submit recommendations for legislative consideration and other action it deems necessary.

88 Acts, ch 1201, §9

C89, §601K.149

C93, §216A.149

216A.150 Reserved.

SUBCHAPTER 11

DIVISION ON THE STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER HERITAGE

216A.151 Definitions.

For purposes of [this subchapter](#), unless the context otherwise requires:

1. “*Administrator*” means the administrator of the division on the status of Iowans of Asian and Pacific Islander heritage of the department of human rights.
2. “*Asian and Pacific Islander*” means an individual from any of the countries of Asia or islands of the Pacific.
3. “*Commission*” means the commission on the status of Iowans of Asian and Pacific Islander heritage.
4. “*Division*” means the division on the status of Iowans of Asian and Pacific Islander heritage of the department of human rights.

2004 Acts, ch 1020, §3

216A.152 Establishment.

A commission on the status of Iowans of Asian and Pacific Islander heritage is established consisting of nine members appointed by the governor, subject to confirmation by the senate. Members shall be appointed representing every geographical area of the state. The members of the commission shall appoint one of the members to serve as chairperson of the commission.

2004 Acts, ch 1020, §4

Confirmation, see §2.32

216A.153 Term of office.

Four of the members appointed to the initial commission shall be designated by the governor to serve two-year terms, and five shall be designated by the governor to serve four-year terms. Succeeding appointments shall be for a term of four years. Vacancies in the membership shall be filled for the remainder of the term of the original appointment.

2004 Acts, ch 1020, §5

216A.154 Meetings of the commission.

The commission shall meet at least four times each year, and shall hold special meetings on the call of the chairperson. The commission shall adopt rules pursuant to [chapter 17A](#) as it deems necessary for the conduct of its business. The members of the commission shall be reimbursed for actual expenses while engaged in their official duties. A member may also be eligible to receive compensation as provided in [section 7E.6](#).

2004 Acts, ch 1020, §6

216A.155 Duties.

The commission shall:

1. Advise the governor and the general assembly on issues confronting Asian and Pacific Islander persons in this state, including the unique problems of non-English-speaking immigrants and refugees.

2. Advise the governor and the general assembly of administrative and legislative changes necessary to ensure Asian and Pacific Islander persons access to benefits and services provided to people in this state.

3. Recommend to the governor and the general assembly any revisions in the state's affirmative action program and other steps necessary to eliminate underutilization of Asian and Pacific Islander persons in the state's workforce.

4. Recommend legislation to the governor and the general assembly designed to improve the economic and social condition of Asian and Pacific Islander persons in this state.

5. Serve as a conduit to state government for organizations of Asian and Pacific Islander persons in this state.

6. Serve as a referral agency to assist Asian and Pacific Islander persons in securing access to state agencies and programs.

7. Serve as a liaison with federal, state, and local governmental units, and private organizations on matters relating to the Asian and Pacific Islander persons in this state.

8. Perform or contract for the performance of studies designed to suggest solutions to the problems of Asian and Pacific Islander persons in the areas of education, employment, human rights, health, housing, social welfare, and other related areas.

9. Implement programs designed to solve the problems of Asian and Pacific Islander persons when authorized by law.

10. Publicize the accomplishments of Asian and Pacific Islander persons and their contributions to this state.

11. Work with other state and federal agencies and organizations to develop small business opportunities and promote economic development for Asian and Pacific Islander persons.

12. Supervise development of an Asian and Pacific Islander trade primer, outlining Asian and Pacific Islander customs, cultural traditions, and business practices, including language usage for use by Iowa's export community.

13. Cooperate with other state and federal agencies and organizations to develop improved state trade relations with Asian and Pacific Islander countries.

14. Adopt rules, with stakeholder input, pursuant to [chapter 17A](#), to develop a mechanism to ensure the qualifications of interpreters for Asian and Pacific Islander persons and maintain and provide a list of those deemed qualified to Iowa courts, administrative agencies, social service agencies, and health agencies, as requested.

2004 Acts, ch 1020, §7; 2008 Acts, ch 1086, §1

216A.156 Review of grant applications and budget requests.

Before the submission of an application, a state department or agency shall consult with the commission concerning an application for federal funding that will have its primary effect on persons of Asian and Pacific Islander heritage in Iowa. The commission shall advise the governor and the director of revenue concerning any state agency budget request that will have its primary effect on persons of Asian and Pacific Islander heritage in Iowa.

2004 Acts, ch 1020, §8; 2005 Acts, ch 3, §48

216A.157 Additional authority.

The commission may:

1. Enter into contracts, within the limit of funds made available, with individuals, organizations, and institutions for services.

2. Accept gifts, grants, devises, or bequests of real or personal property from the federal government or any other source for the use and purposes of the commission. Notwithstanding [sections 8.33](#) and [12C.7](#), the interest accrued from moneys received under [this subsection](#) shall not revert to the general fund of the state, but shall remain available for expenditure by the commission.

2004 Acts, ch 1020, §9

216A.158 Employees and responsibility.

The commission may employ necessary employees. Pursuant to [section 216A.2](#), the commission may have responsibility for budgetary and personnel decisions for the commission and division. The administrator may administer programs and policies as determined by the commission.

2004 Acts, ch 1020, §10

216A.159 State agency assistance.

On the request of the commission, state departments and agencies may supply the commission with advisory staff services on matters relating to the jurisdiction of the commission. The commission shall cooperate and coordinate its activities with other state agencies to the highest possible degree.

2004 Acts, ch 1020, §11

216A.160 Annual report.

Not later than February 1 of each year, the commission shall file a report in an electronic format with the governor and the general assembly of its activities for the previous calendar year. With the report, the commission may submit any recommendations pertaining to its activities and shall submit recommendations for legislative consideration and other action it deems necessary.

2004 Acts, ch 1020, §12

SUBCHAPTER 12

DIVISION ON NATIVE AMERICAN AFFAIRS

For transition provisions,
see 2008 Acts, ch 1184, §49

216A.161 Definitions.

For purposes of [this subchapter](#), unless the context otherwise requires:

1. “*Administrator*” means the administrator of the division on Native American affairs.
2. “*Commission*” means the commission on Native American affairs.
3. “*Division*” means the division on Native American affairs of the department of human rights.
4. “*Tribal government*” means the governing body of a federally recognized Indian tribe.

2008 Acts, ch 1184, §39

216A.162 Establishment — purpose.

1. A commission on Native American affairs is established consisting of eleven voting members appointed by the governor, subject to confirmation by the senate. The members of the commission shall appoint one of the members to serve as chairperson of the commission.

2. The purpose of the commission shall be to work in concert with Native American groups and Native Americans in this state to advance the interests of Native Americans in the areas of human rights, access to justice, economic equality, and the elimination of discrimination.

3. The members of the commission shall be as follows:

a. Seven public members appointed in compliance with [sections 69.16](#) and [69.16A](#) who shall be appointed with consideration given to the geographic residence of the member and the population density of Native Americans within the vicinity of the geographic residence of a member. Of the seven public members appointed, at least one shall be a Native American who is an enrolled tribal member living on a tribal settlement or reservation in Iowa and whose tribal government is located in Iowa.

b. Four members selected by and representing tribal governments.

c. All members of the commission shall be residents of Iowa.

2008 Acts, ch 1184, §40; 2008 Acts, ch 1191, §52, 53

Confirmation, see §2.32

216A.163 Term of office.

Five of the members appointed to the initial commission shall be designated by the governor to serve two-year terms, and six shall be designated by the governor to serve four-year terms. Succeeding appointments shall be for a term of four years. Vacancies in the membership shall be filled for the remainder of the term of the original appointment.

2008 Acts, ch 1184, §41

216A.164 Meetings of the commission.

The commission shall meet at least four times each year, and shall hold special meetings on the call of the chairperson. The commission shall adopt rules pursuant to [chapter 17A](#) as it deems necessary for the conduct of its business. The members of the commission shall be reimbursed for actual expenses while engaged in their official duties. A member may also be eligible to receive compensation as provided in [section 7E.6](#).

2008 Acts, ch 1184, §42

216A.165 Duties.

The commission shall have all powers necessary to carry out the functions and duties specified in [this subchapter](#) and shall do all of the following:

1. Advise the governor and the general assembly on issues confronting Native Americans in this state.
2. Promote legislation beneficial to Native Americans in this state.
3. Recommend to the governor and the general assembly any revisions in the state's affirmative action program and other steps necessary to eliminate discrimination against and the underutilization of Native Americans in the state's workforce.
4. Serve as a conduit to state government for Native Americans in this state.
5. Serve as an advocate for Native Americans and a referral agency to assist Native Americans in securing access to justice and state agencies and programs.
6. Serve as a liaison with federal, state, and local governmental units, and private organizations on matters relating to Native Americans in this state.
7. Conduct studies, make recommendations, and implement programs designed to solve the problems of Native Americans in this state in the areas of human rights, housing, education, welfare, employment, health care, access to justice, and any other related problems.
8. Publicize the accomplishments of Native Americans and their contributions to this state.
9. Work with other state, tribal, and federal agencies and organizations to develop small business opportunities and promote economic development for Native Americans.

2008 Acts, ch 1184, §43; 2008 Acts, ch 1191, §54

216A.166 Review of grant applications and budget requests.

Before the submission of an application, a state department or agency shall consult with the commission concerning an application for federal funding that will have its primary effect on Native Americans. The commission shall advise the governor, the director of the department of human rights, and the director of revenue concerning any state agency budget request that will have its primary effect on Native Americans.

2008 Acts, ch 1184, §44; 2008 Acts, ch 1191, §55

216A.167 Additional duties and authority — limitations.

1. The commission shall have responsibility for the budget of the commission and the division and shall submit the budget to the director of the department of human rights as provided in [section 216A.2, subsection 2](#).

2. The commission may do any of the following:

- a. Enter into contracts, within the limit of funds made available, with individuals, organizations, and institutions for services.
- b. Accept gifts, grants, devises, or bequests of real or personal property from the federal government or any other source for the use and purposes of the commission.

3. The commission shall not have the authority to do any of the following:

a. Implement or administer the duties of the state of Iowa under the federal Indian Gaming Regulatory Act, shall not have any authority to recommend, negotiate, administer, or enforce any agreement or compact entered into between the state of Iowa and Indian tribes located in the state pursuant to [section 10A.104](#), and shall not have any authority relative to Indian gaming issues.

b. Administer the duties of the state under the federal National Historic Preservation Act, the federal Native American Graves Protection and Repatriation Act, and [chapter 263B](#). The commission shall also not interfere with the advisory role of a separate Indian advisory council or committee established by the state archeologist by rule for the purpose of consultation on matters related to ancient human skeletal remains and associated artifacts.

4. [This subchapter](#) shall not diminish or inhibit the right of any tribal government to interact directly with the state or any of its departments or agencies for any purpose which a tribal government desires to conduct its business or affairs as a sovereign governmental entity.

2008 Acts, ch 1184, §45

216A.168 Administrator.

The commission shall designate the duties and obligations of the position of administrator. The administrator shall carry out programs and policies as determined by the commission. The administrator may employ other persons necessary to carry out the programs of the division.

2008 Acts, ch 1184, §46

216A.169 State agency assistance.

On the request of the commission, state departments and agencies may supply the commission with advisory staff services on matters relating to the jurisdiction of the commission. The commission shall cooperate and coordinate its activities with other state agencies to the highest possible degree.

2008 Acts, ch 1184, §47

216A.170 Annual report.

Not later than February 1 of each year, the commission shall file a report in an electronic format with the governor and the general assembly of its activities for the previous calendar year. With the report, the commission may submit any recommendations pertaining to its activities and shall submit recommendations for legislative consideration and other action it deems necessary.

2008 Acts, ch 1184, §48